

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MANDY DENISE NETTLES,
SHAKEIA LAVON NETTLES, and JACQUISE
DENICE WILLIAMS-NETTLES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH JOHNSON,

Respondent-Appellant,

and

ARNIETTA ANN NETTLES, GREGORY
WILLIAMS and KENNETH BLACK,

Respondents.

UNPUBLISHED
November 7, 2000

No. 223272
Wayne Circuit Court
Family Division
LC No. 97-357779

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court's order terminating his parental rights to the minor child, Mandy Denise Nettles, under MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii). We affirm the court's termination order as modified.

We agree that the trial court erred in terminating respondent-appellant's parental rights to the child where respondent-appellant never established that he had any parental rights to terminate. Under MCR 5.974(B)(2), a "respondent" in a termination of parental rights proceeding includes the father of a child as defined by MCR 5.903(A)(4). Respondent-appellant does not fit any of the definitions of "father" listed in MCR 5.903(A)(4). Thus, respondent-appellant did not have any parental rights to terminate. Accordingly, we direct that respondent-appellant's name be stricken from the order

terminating parental rights. The order is affirmed in

all other respects.

Affirmed in part and reversed in part.

/s/ Kathleen Jansen

/s/ Martin M. Doctoroff

/s/ Peter D. O'Connell